

# EXHIBIT “U”

STATE OF NEW YORK)  
COUNTY OF ONONDAGA) SS: -MADISON) SS:  
CITY OF SYRACUSE)

## APPLICATION OF Search Warrant

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In the matter of

The application of Investigator Timothy -H Phinney, of the Syracuse Police Department, for a warrant authorizing the search of the premises located at, 4028 Nelson Hgts Rd., Nelson New York, also known as the residence of Hector M Rivas, Town of Getzenovia County of Madison, and all appurtenant areas, thereof, including out buildings and property., Also for the search of two motor vehicles registered to Hector M Rivas, being a Red 1986, Chevrolet Van New York Registration number AC 9554, and a 1983 Oldsmobile 2dsd Grey, New York Registration 1-Rivas. The premises located at 4028 Nelson Hgts Rd., Nelson New York, is a one family ranch type residence with shake shingle siding.

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STATE OF NEW YORK)  
COUNTY OF ONONDAGA) SS:  
CITY OF SYRACUSE

I Timothy H Phinney, being duly sworn, deposes and says;

I am a police officer and applicant herein, employed by the Syracuse Police Department, and have been so employed for thirteen years.

There is probable cause to believe that certain property, herein after described, may be found at the premises and vehicles described herein.

A one family ranch type house with shake shingled siding, also known as 4028 Nelson Rd., Nelson New York, Madison County, also known as the residence of Hector M Rivas. Also two motor vehicles registered to Hector M Rivas, being a 1986 Chevrolet Red Van, New York Registration AC 9554, and a 1983 Grey Oldsmobile 2dsd, New York Registration number 1-Rivas. Any appurtenant areas outbuildings and property.

The property to be seized as evidence being a key to the door at 248 Hickock Ave., and any clothing found on the premises including Bloody clothing, and a gray sweater and grey slacks.,

Possibly Also Seized with  
FECAL MATERIAL

That on the 30th of March 1987, at 1308 hrs., the Syracuse Police were informed, of and began an investigation on the death of Valerie Hill residing at 248 Hickock Ave., which has been classified as a Homicide. Subsequent Investigation by this Investigator and other member of the Syracuse Police Department, have led this Department to believe that the above evidence may be secreted, at the above location or in the above listed Vehicles.

Affidavits have been secured and are attached hereto and made part of this application from Marianne Murphy, who resides at 244 Hickock Ave, who observed Hector Rivas at the victim's residence and enter the residence at 248 Hickock Ave, the Victim, Valerie Hill not being at home at that time.

He was wearing a grey sweater, and grey slacks at that time. the 28th of March 87 At about 2:30 PM.

I have read this statement (had this statement read to me) which consists of 2 page(s) and the facts contained therein are true and correct to the best of my knowledge.

NOTE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK.

AFFIRMED UNDER PENALTY OF PERJURY, this 30th day of March, 1987.

Signature Timothy H Phinney

Witness: \_\_\_\_\_ page 1 of 2 pages

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 30th DAY OF March, 1987.

NOTARY PUBLIC/COMMISSIONER OF DEEDS  
County Court Judge

STATE OF NEW YORK)  
COUNTY OF ONONDAGA)SS:  
CITY OF SYRACUSE)

Continued affidavit of Inv. Timothy H Phinney page two.....

The affidavit obtained from Ms Kathy Colucci, the resident of 242 Hickock Ave., who observed Hector M Rivas, and Valeri Hill conversing during the week of the 22nd of March on Monday or Tuesday. Ms. Colucci, also knows and states in her affidavit that Hector drives a red van and an grey vehicle plate # 1- Rivas.

The affidavit obtained from Mr. David Hill the brother of the victim, Valerie Hill, had had conversations with Valerie Hill regarding her relationship with Hector Rivas, being that they were no longer seeing one another and that Hector, was attempting to get back together with Valerie Hill.

The affidavit of Randall Hill the father of the Victim Valeri Hill, who had told him on the 27th of March 1987, that she had observed Hector M Rivas driving around her house, and the latest sighting of Hector Rivas was as she was leaving her home to meet with her father that evening. She further stated to Mr. Hill that Hector Rivas had been attempting to see her again and that she did not want to.

The affidavit of David Hill further states that Valerie Hill had told him that Hector Rivas still had a key to her apartment and had been letting himself into the apartment while she has not been there.

Also attached hereto and made part of this application is an affidavit of Investigator James Driscoll. Of the Syracuse Police Department, after his interview with Hector M Rivas. Inv Driscoll states that Rivas denies being in or near the victim's Residence located at 248 Hickock Ave. on the 28th of March 1987, at any part of the day or night.

That the Onondaga County Medical Examiners office, Dr. Mitchell's preliminary estimate on the time of Death of the Victim, Valeri Hill was sometime Saturday the 28th of March afternoon, and Sunday morning the 29th of March 1987. That also penetration of the victim's anus, was made by some foreign object as yet unidentified, and that fecal material was found on the victim's legs. Also the victim had no other visible injuries, other than probable cause of death as being strangulation.

Wherefore, based upon the above investigation I respectfully request the court to issue a warrant and seizure annexed directing a search for and seizure of the property described herein, and that if any evidence, or any part thereof be found, it be brought before the Court with such and further relief that the court deem proper.

That no other application in this matter has been brought before this or any other Court, nor any Judge, Justice, or Magistrate.

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Signature Timothy H Phinney

Witness: \_\_\_\_\_ page 2 of 2 pages

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THIS 30th DAY OF March, 1987.

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NOTARY PUBLIC/COMMISSIONER OF DEEDS

County Court Judge